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C O N F I D E N T I A L SECTION 01 OF 03 ISLAMABAD 003463

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SUBJECT: PROTESTS ON THE ANNIVERSARY OF MUSHARRAF'S STATE OF EMERGENCY

REF: A. 07 ISLAMABAD 4691

1B. 07 KARACHI 728

1C. 07 ISLAMABAD 3929

Classified By: DCM Jerry Feierstein for reasons 1.4 (b), (d).

11. (C) Summary: Lawyers commemorated the November 3 anniversary of last year's State of Emergency (SOE), demonstrating in front of bar association offices and court houses across the country. They blasted the current government for reinstating only some of the judges removed by former President Musharraf. As many as 6,000 lawyers (and a few opposition Pakistan Muslim League-Nawaz (PML-N) leaders) gathered in Rawalpindi to hear former Supreme Court Chief Justice Iftikhar Chaudhry explain how Musharraf's administration allegedly tried to pressure the court over a steel privatization case that benefited then Prime Minister Aziz. Today's events cap a month of commemorations. On October 18, the Sindh provincial government, controlled by the Pakistan People's Party (PPP), revived the investigation into last year's assassination attempt of Benazir Bhutto in Karachi, which injured or killed hundreds. The PML-N anointed October 12 as "Defense of Democracy Day," the ninth anniversary of the coup that brought Musharraf to power.

12. (C) Summary continued: Pakistan has undergone a sea change since last November 3. All those arrested during the SOE are free, most of the fired judges are restored, and media restrictions imposed during the SOE have been lifted. Musharraf is largely irrelevant, and the civilian government that replaced him has begun serious militant operations against extremists in the tribal areas. Despite today's protests, the civil society movement of lawyers that led the charge against Musharraf allowed itself to be politicized, and has failed to ignite a public concerned more about rising food inflation and energy shortages than the fate of the former Chief Justice. End summary.

November 3: Musharraf Declares State of Emergency

13. (SBU) Throughout the country in Pakistan's major cities, lawyers gathered today to protest then President Musharraf's decision to declare a State of Emergency (SOE), abrogate the constitution, and fire Pakistan's judiciary en masse (ref A). The largest demonstration by far was in Rawalpindi-Islamabad, where as many as 6,000 lawyers gathered, joined by opposition Pakistan Muslim League-Nawaz (PML-N) parliamentary leader Chaudhry Nisar Ali Khan and representatives of religious party Jamiat Islami (JI) and

civil society organizations.

¶4. (SBU) Addressing the crowd, former Supreme Court Chief Justice Iftikhar Chaudhry pressed his case to be restored to the bench, saying he hoped parliament would not de facto validate martial law, as he termed last year's SOE. "The people want rule of law and an independent judiciary," Chaudhry stated. He also claimed that he was removed from the bench because of his suo moto ruling against the Pakistan Steel Mills privatization scheme, which embarrassed former Prime Minister Shaukat Aziz, Chaudhry surmised. Chaudhry claimed he had refused Musharraf's intervention, but many believed this was the reason Musharraf suspended Chaudhry from the bench the first time. Chaudhry today insisted that, after his July 2007 reinstatement, he had kept himself off the panel reviewing Musharraf's re-election eligibility. In reality, Chaudhry chose the judges, whom Musharraf feared would rule against him; that fear promoted Musharraf to pre-empt the judiciary with a declaration of emergency on November 3.

¶5. (SBU) Current Supreme Court Bar Association (SCBA) President Ali Ahmad Kurd fired up the massed lawyers, proclaiming: "Because of you, Musharraf is gone." He promised to re-invigorate the lawyers' movement and press the pre-November 3 judiciary's case yet again, though no details of next steps were given. SCBA ex oficio president Aitzaz Ahsan added that Law Minister Farooq Naek's "re-appointment" of only some of the deposed judges, selected by the PPP-led GOP, was "unacceptable."

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October 18: Bhutto's Return and Assassination Attempt

¶6. (C) A year ago on October 18, Pakistan People's Party (PPP) leader Benazir Bhutto triumphantly returned to Karachi after over eight years of self-imposed exile. In memory of the 402 injured and 146 killed in the dual bombing of Bhutto's motorcade (ref B), the PPP-led Sindh government instigated this October a second charge sheet (termed a first information report (FIR)). The new FIR specifically named former Punjab Chief Minister Pervaiz Elahi, former Inter-Services Intelligence (ISI) Director General Hamid Gul, and former Intelligence Bureau (IB) Director General Ijaz Shah as conspirators in the October 18 attack. (Note: Bhutto had blamed these three in a letter written in the days after her return, but the original FIR referenced only "unknown" planners and attackers instead. Reportedly, the idea of also naming former Musharraf in this new FIR was rejected.)

¶7. (C) According to Investigator In Charge Sohail Chatha, speaking to PolOff October 22, Bahadarabad (Karachi) Police soon after the one-year anniversary requested further instructions from the Sindh government and have since started the investigation into the assassination attempt. Sindh Home Minister Dr. Zulfiqar Mirza chaired a high level meeting of police officials on the case, ordering the increase of reward money. All three named men are supposed to be interviewed. (Note: Though Gul publicly offered to appear before court, the chances that any of these men will be interviewed is unlikely.) Chatha further noted that the new FIR supersedes the original and annuls the related investigation.

¶8. (SBU) Crying "political victimization," Elahi's Pakistan Muslim League (PML) walked out of the October 20 joint in-camera session of parliament to protest the new FIR. "The registration of a new FIR reflects dishonesty," added PML Senate leader Kamil Ali Agha. Reportedly, Prime Minister Yousuf Gilani, at President Asif Zardari's behest, personally assured Elahi that his name would not be included in the new FIR nor would he be otherwise implicated in the case. The GOP did not get the public traction it may have hoped for; instead, the press labeled the effort as a distraction from the country's economic and security concerns. The

possibility of a U.N. investigation into Bhutto's December 27 assassination is still under consideration. The issue has failed to spark much domestic fervor, though at every public setting, PPP leaders ensure that a portrait of Bhutto (and sometimes of heir apparent Bilawal) is in the frame.

October 12: Nawaz Overthrown

¶ 9. (SBU) This October 12, Pakistan Muslim League-N (PML-N) leader Nawaz Sharif declared the nine-year anniversary of the Musharraf-led coup against him as "Defense of Democracy Day" (ref C). In his speech, Nawaz urged the government to open a dialogue with militants, encouraged the National Assembly to compel Musharraf to testify about constitutional abuses, and attributed the country's economic and security crises on the "slackness and sluggishness" of President Asif Zardari to restore the pre-November 3 judiciary. Nawaz said his now opposition party was in no position to prevent these crises. He called on the PPP to seek the PML-N's support for a "national policy" to solve the country's mounting problems, adding that the full parliament was supreme and should be taken into confidence on issues of national importance.

¶ 10. (SBU) Most of Sharif's address, however, was a charge sheet against Musharraf, who had, according to Sharif, undermined Pakistan's 1973 Constitution, removed a legitimate judiciary, including former Supreme Court Chief Justice Iftikhar Chaudhry, and allegedly made secret deals with the U.S. in the fight against terrorism. Sharif disavowed any pledge to indemnify Musharraf, adding that any government which did so would regret it. He further added the names of Ayub Khan, Yahya Khan, and Zia ul Haq to Musharraf's as "dictators who had compromised national interests just to prolong their illegal rule."

Looking Forward

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¶ 11. (C) Comment: Pakistan has undergone a sea change since last November. President-General Musharraf, who dominated life in Pakistan for over eight years, is now irrelevant. He is quietly building a home in the Islamabad suburbs and says he has no intention of re-entering public life, at least not now. Musharraf's Pakistan Muslim League (PML) party has all but forgotten him in its quest to maneuver back into the federal and Punjab provincial governments. The Pakistan People's Party (PPP) also appears to have forgotten its pledge to give Musharraf an indemnity package; PML-N's Sharif has now said publicly that he will oppose any such deal.

¶ 12. (C) Everyone arrested during the 2007 state of emergency (SOE) is free, and, of the 13 Supreme Court justices fired by Musharraf, the PPP-led government has cleverly "re-appointed" five, three more retired or resigned, and five remain unrestored. Former Chief Justice Iftikhar Chaudhry continues to give speeches and accept international awards, but the PPP has made it clear he will not be reinstated as Chief Justice. The lawyers' movement that began with an inspiring demonstration of civil society strength has fizzled, largely because Aitzaz Ahsan allowed it to become politicized and the public is focused on food inflation and energy shortages. End comment.

PATTERSON